## REMARKS

The applicant has carefully reviewed and considered the Office Action mailed on Sept 9, 2004, and the references cited therewith.

No claim is amended, no claims are added and no claims are canceled. As a result, claims 1- 27 are pending in this application.

### *§102 Rejection of the Claims*

Claims 1- 3, 5, 7- 23, 25- 27 were rejected under 35 USC § 102 (b) as being anticipated by Silver's Unified Network Presence Management White Paper (hereinafter "Silver").

As admitted by the Examiner, the publication date for Silver's white paper is 2000 but no "month" is provided. The Applicant reserves his right to swear behind this reference. Besides this issue of priority date, it is respectfully submitted that the invention claimed by the Applicant is distinguishable over the cited reference. Silver refers to a Unified Network Presence Management with an architecture in which component PSM (Preference Service Manager) "is a rule based process that takes into account the timing of indicators and their ability to accurately reflect an entity's state" (Silver, page 2, description of "PSM"). Further, Silver refers to 'concept of Unified Network Presence Management' (Silver, page 2, 3rd paragraph) but does not disclose, for example, where and in which part of hardware which component or whole of 'Unified Network Presence Management' resides. Also no disclosure is made for example, about the hardware required to achieve performance. About hardware, Silver relates to subscribers of fixed and mobile telephony, short messaging etc (Silver, page 2, 1st paragraph). Silver relates to 'IP Reachability' wherein 'user's presence is dynamically detected on a range of networks' and 'this presence data is interpreted by an agent to predict the best method for contacting the user at a particular moment in time, in a given location, based on the user's availability, device capability, and personal preferences (Silver, page 2, 3rd paragraph). The Applicants claims, disclose a method comprising determining at least one presence rule wherein, for example, mobile device may query the user to input presence rules or a portion of presence rules, in another embodiment

mobile device, may load presence rules from presence server (the Application, page 15, 1st paragraph). Based on presence rule processing, presence information is generated as claimed by the Applicants; presence information may include reachability field, and reachability field may contain reachability information indicating the system through which the mobile device can be reached (the Application, page 13, lines 14 through 27).

Applicant respectfully submits that the claims are distinguishable over Silver for the reasons argued below.

The reference does not teach the identical invention in as complete detail as is recited in the claims, for independent claims 1, 7, 12 and 18.

"The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989); MPEP § 2131.

Claims 1, 7, 12 and 18 recite: "determining a presence rule." In contrast, references cited by the Examiner, describe processing by a rule based process. Thus, the references cited by the Examiner do not teach the identical invention in as complete detail as is contained in claims 1, 7, 12 and 18. Specific reasons are further elaborated, below.

Further, the reference cited by the Examiner does not teach each and every claim element arranged as in the independent claim 22.

"Anticipation requires the presence in a single prior reference disclosure of each and every element of the claimed invention, *arranged as in the claim*." *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added).

Claim 22 recites: "a location database comprising locality of a plurality of mobile devices, and

a controller to find the location of the plurality of mobile devices, to determine a plurality of presence rules for the plurality of mobile devices," (emphasis added). In contrast, the reference cited by the Examiner describes the concept of Unified Network Presence Management in which network information that can be harvested includes 'whether a mobile phone is switched on, what network it is on, and availability and location'. Thus, the reference

cited by the Examiner does not teach each and every claim element arranged as in claim 22 because "a location database comprising locations of a plurality of mobile devices, and

a controller to find the locations of the plurality of mobile devices, to determine a plurality of presence rules for the plurality of mobile devices" (emphasis added) is neither disclosed nor taught.

Claim 1 recites: "determining at least one presence rule" (emphasis added). In contrast, the reference cited by the Examiner (Silver, page 2, 3rd paragraph, PMD/ PSM defined on page 3, and STATE discussed on page 4, 3rd paragraph) relates 'best method for contacting the user'; 'a rule based process that distills the flow of indicators into a more abstract "network presence" information'; and 'PSM processes the location/ state update logic and notifies appropriate watcher applications based on the user's predefined rules and security preferences'. Thus, the reference cited by the Examiner does neither teach nor disclose "determining at least one presence rule". The reference cited by the Examiner refers to processing by a rule based process using a presence rule. Thus, Silver does not teach each element of claim 1. Reconsideration for allowance of claim 1 is respectfully requested for at least this reason. Claims 2- 6 which are dependent upon claim 1, include all of the features of claim 1 and are therefore patentable over Silver for at least the same reasons.

Similarly claim 7 recites: "a controller to determine a presence rule for a mobile device" (emphasis added). The reference cited by the Examiner (Silver, page 2, 3rd paragraph; PMD/ PSM defined on page 3, STATE discussed on page 4, 3rd paragraph) relates 'best method for contacting the user'; 'a rule based process that distills the flow of indicators into a more abstract "network presence" information'; and 'PSM processes the location/ state update logic and notifies appropriate watcher applications based on the user's predefined rules and security preferences'. Thus, the reference cited by the Examiner does neither teach nor disclose "a controller to determine a presence rule". The reference cited by the Examiner refers to processing by a rule based process using a presence rule. Thus, Silver does not teach each element of claim 7. Reconsideration for allowance of claim 7 is respectfully requested for at least

this reason. Claims 8- 11 which are dependent upon claim 7, include all of the features of claim 7 and are therefore patentable over Silver for at least the same reasons.

Similarly claim 12 recites: "A mobile device comprising:

a controller to determine a location of the mobile device, to update presence information based on the location " (emphasis added). The reference cited by the Examiner (Silver, page 2, 1st paragraph, 3rd paragraph, and 5th paragraph) relates 'fixed and mobile telephony'; 'best method for contacting the user at a particular moment in time, in a given location'; and 'building intelligent picture of user's situation and accessibility'. Thus, the reference cited by the Examiner does neither teach nor disclose "A mobile device comprising: a controller to determine a location of the mobile device, to update presence information based on the location". Thus, Silver does not teach each element of claim 12. Reconsideration for allowance of claim 12 is respectfully requested for at least this reason. Claims 13- 17 which are dependent upon claim 12, include all of the features of claim 12 and are therefore patentable over Silver for at least the same reasons.

Similarly claim 18 recites: "A signal- bearing medium comprising instructions, wherein the instructions when read and executed by a processor comprise:

determining a presence rule for a mobile device" (emphasis added). In contrast, the reference cited by the Examiner (Silver, page 2, 3rd paragraph, PMD/ PSM defined on page 3, and STATE discussed on page 4, 3rd paragraph) relates 'best method for contacting the user'; 'a rule based process that distills the flow of indicators into a more abstract "network presence" information'; and 'PSM processes the location/ state update logic and notifies appropriate watcher applications based on the user's predefined rules and security preferences'. Thus, the reference cited by the Examiner does neither teach nor disclose "determining a presence rule for a mobile device". The reference cited by the Examiner refers to processing by a rule based process using a presence rule. Thus, Silver does not teach each element of claim 18. Reconsideration for allowance of claim 18 is respectfully requested for at least this reason. Claims 19- 21 which are dependent upon claim 18, include all of the features of claim 18 and are therefore patentable over Silver for at least the same reasons.

Similarly claim 22 recites: "a location database comprising locations of a plurality of mobile devices, and

a controller to find the locations of the plurality of mobile devices, to determine a plurality of presence rules for the plurality of mobile devices" (emphasis added). In contrast, the references cited by the Examiner (figure 2; page 2, 5th paragraph; and page 3) relate (there is no figure marked as figure 2, but we take second figure in the reference as fig.2) Unified Network Presence Management- Architecture with PSM, PMD and registration, and with user data, but no 'location database comprising locations of a plurality of mobile devices' is disclosed. The reference cited by the Examiner further relates (PMD, on page 3) 'PMD (Presence Manager Directory) represents the common repository in which all known and deduced subscriber presence information is deposited and retrieved. The PMD is the source from which services obtain through the PSM, and to which networks deposit presence information'. Further, the reference cited by the Examiner, page 2, 5$^{th}$ paragraph describes 'network information that can be harvested includes whether a mobile phone is switched on, what network it is on, and its cellular location'. Further, the reference cited by the Examiner, page 3, relates 'the PSM contains the preference logic and rule- based processes that respond to network and service requests for contactability with a subscriber entity. The raw presence manager distills the flow of indicators into a more abstract "network presence". This is a rule based process that takes into account the timing of indicators and their ability to accurately reflect an entity's state'. Thus, the reference cited by the Examiner does neither teach nor disclose claim elements as arranged in claim 22: "a location database comprising locations of a plurality of mobile devices, and

a controller to find the locations of the plurality of mobile devices, to determine a plurality of presence rules for the plurality of mobile devices" (emphasis added). Reconsideration for allowance of claim 22 is respectfully requested for at least this reason. Claims 23- 27 which are dependent upon claim 22, include all of the features of claim 22 and are therefore patentable over Silver for at least the same reasons.

In view of the explanations provided herein, reconsideration and allowance of claims 1- 27, is respectfully requested.

*§103 Rejection of the Claims*

Claim 4 was rejected under 35 USC §103(a) as being unpatentable over Silver as applied to claim 3, and further in view of Forssen et al. (U.S. 6, 031, 490) (hereinafter Forssen). Forssen describes Time Difference of Arrival method and system for determining the position of a first mobile radio terminal within an associated mobile radio system, which is based on Time of Arrival measurements (Abstract).

Claim 4 which is dependent upon claim 1 includes all of the features of claim 1, and is therefore patentable over Silver and Forssen for at least the same reasons as stated above for claim 1. Forssen does not supply the feature of claim 1 which was missing from Silver.

Claims 6 and 24 were rejected under 35 USC §103 (a) as being unpatentable over Silver as applied to claim 3/22 above, and further in view of Forssen and Smyth et al. (US 6, 347, 224) (hereinafter Smyth). Smyth relates to a charge control system for use in a cellular communications network infrastructure, wherein local charges are modified in response to current local traffic loading (Smyth, column 2, lines 20- 23, Summary of the Invention). Claim 6 which is dependent upon claim 1, includes all of the features of claim 1, and is therefore patentable over Silver for at least the same reasons as stated above for claim 1. Neither Forssen nor Smyth supplies the feature of claim 1 which was missing from Silver.

Claim 24 which is dependent upon independent claim 22, includes all of the features of claim 22, and is therefore patentable over Silver and Forssen and Smyth for at least the same reasons as stated above for claim 22. Neither Forssen nor Smyth supplies the feature of claim 22 which was missing from Silver.

Reconsideration of the Application is respectfully requested.

The Applicants note that the IDS submitted on December 1, 2003, is in compliance and being considered by the Examiner.

The Applicants note that the drawings received on March 12, 2002, have been reviewed by the draftsperson and Examiner.

The art made of record, but not relied upon by the Examiner, is noted.

*Conclusion*

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney, Frank Bogacz, at 480-361-7740 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

ROBERT C. KNAUERHASE ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
Attorneys for Intel Corporation
P.O. Box 2938
Minneapolis, Minnesota 55402
(612) 349-9592

Date Nov. 9, 2004

By Ann M. McCrackin
Ann M. McCrackin
Reg. No. 42,858

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 9TH day of November, 2004.

Chris Hammond

Name

Chris Hammond

Signature